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3008 warning letter

OCT 25 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Barry Pickard
Environmental Engineer
Plant Engineering and Construction
General Electric Company
Electronics Parkway
Liverpool, New York 13088

Re: General Electric Company
EPA Identification Number: NYD059305120
Facility Located At : Liverpool, New York
Inspection Performed On : August 31, 1982

Dear Mr. Pickard:

The Environmental Protection Agency (EPA) is charged with the responsibility for implementing the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901 et seq. (the Act). [Note: Among the statutes amending the Act is the Resource Conservation and Recovery Act (RCRA), 90 Stat. 2795, P.L. 94-580 (1976).] By notification, you informed EPA that you conduct activities at the above referenced facility involving "hazardous waste," as that term is defined in Section 1004(5) of the Act, 42 U.S.C. §6904(5), and in 40 CFR §261. As required in Section 3005 of the Act, 42 U.S.C. §6925, and in 40 CFR §122, you requested a permit to conduct such hazardous waste activities.

In accordance with EPA's responsibility, an inspection was performed at this facility by a duly authorized representative of EPA pursuant to Section 3007 of the Act. This above referenced inspection revealed that your facility was acting as a generator by producing hazardous waste and was being used for treatment, storage and/or disposal of hazardous waste.

40 CFR Part 262 establishes standards for generators and 40 CFR Part 265 sets interim status standards for treatment, storage and disposal facilities that handle hazardous wastes. These interim status standards apply until final administrative disposition of the permit application submitted by the owner and operator of the facility has been made. No such final disposition has been made with respect to your facility, and thus the standards of Part 265 apply to that facility.

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The inspection revealed that your facility was in violation of certain provisions of Part 265. On the basis of these findings, the Solid Waste Branch Chief of Region II has determined that your facility is operating in violation of Section 3005 of the Act, 42 U.S.C. §6925 and the regulations promulgated thereunder. The following paragraphs indicate the regulatory provisions that have been violated.

40 CFR §265.13(b) requires that the owner or operator of a hazardous waste treatment, storage or disposal facility must develop and follow a written waste analysis plan. At the time of the inspection, information present at your facility was insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.13(b).

40 CFR §265.14 requires that the owner or operator of a hazardous waste facility must prevent the unknowing entry, and minimize the possibility of unauthorized entry of persons or livestock onto the active portion of the facility. At the time of the inspection, site security at the facility was insufficient to meet all the requirements of this section. You were therefore in violation of 40 CFR §265.14.

40 CFR §265.16(d) requires that the owner or operator of a hazardous waste facility must maintain written documentation of personnel, jobs and job-related training conducted at the facility. Documentation which existed at the facility at the time of the inspection was insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.16(d).

40 CFR §265.73 requires that the owner or operator of a hazardous waste facility must maintain an operating record at the facility containing certain required information, including a description of the type, quantity, and location of all wastes held at the facility. At the time of the inspection documents available were insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.73.

40 CFR §265.112 requires that the owner or operator of a hazardous waste facility must develop and maintain at the facility a written closure plan which describes the steps necessary to close all or part of the facility. At the time of the inspection, documents available were insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.112.

40 CFR §265.35 requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of the facility operation in an emergency unless aisle space is not needed for any of these purposes. At the time of the inspection insufficient aisle space was noted. You were therefore in violation of 40 CFR §265.35.

Section 3008 of the Act authorizes the assessment of a civil penalty of up to \$25,000 per day for violations of statutory provisions or relevant regulations. The determination of whether a penalty is to be imposed is based upon the nature and seriousness of the violation and the good faith efforts to comply with the applicable requirements. It has been determined in this case that no penalty will be imposed for the violations cited above if the facility corrects all violations cited herein as expeditiously as possible and in no case later than sixty (60) days from the receipt of this letter. Should the cited violations be discovered at this facility during future inspections, it is likely that an action for the assessment of a civil penalty will be initiated. Furthermore, please be advised that this letter in no way precludes future enforcement actions for any other violations discovered as a result of any other inspection.

Please confirm in writing within sixty (60) days of your receipt of this letter that the above referenced violations have been corrected. This confirmation should be addressed to the Environmental Protection Agency, Region II, Air and Waste Management Division, Solid Waste Branch, 26 Federal Plaza, New York, New York 10278. Also, please send a copy of this confirmation to Mr. Thomas Taccone, Permits Administration Branch, at the same address. You must include your EPA identification number on all correspondence. Should you have questions about this Notice or should you wish to discuss this matter further, please contact Mr. Robert Garrity of my staff at (212) 264-1317.

A copy of the inspection report is enclosed.

Sincerely yours,

Ernest A. Regna
Chief
Solid Waste Branch

Enclosure

cc: David Maffici
Chief, Bureau of Hazardous Waste
Operations, DEC (w/o Encl.)

bcc: R. Garrity, SMB /
T. Taccone, PAB /